

Regulations under the *Employment Standards Act* have been changed to provide improved working conditions for domestic workers in Ontario. The changes, which take effect October 1, 1987, involve the following employees:

- full-time domestics (employed by a household more than 24 hours a week)
- part-time domestics (employed by a household 24 hours a week or less)
- qualified nannies (with special training in child care or equivalent experience)
- full-time, live-in sitters (employed primarily to care for children but lacking special training)

The new regulations increase the protections available to domestic workers in the following areas:

- minimum wage
- overtime pay
- weekly free periods
- public holidays
- written job particulars
- employment records

If you are a domestic worker, or someone who employs domestics, make sure you know how the changes apply to you. An explanation of the new regulations follows.

If you need more information, contact your nearest office of the Employment Standards Branch, Ministry of Labour. The addresses and telephone numbers of the District Offices are listed at the end of this pamphlet.

From September 21 to October 30, 1987, you may call this toll-free special information number:

1-800-387-4453

This pamphlet is provided for convenience only.
For precise interpretation, refer to the *Employment Standards Act* and Regulations.

Ce dépliant est également
disponible en français

Effective October 1, 1987, these are the new employment regulations:

Minimum Wage

Who is covered:

- full-time, live-in domestics
- live-out domestics, full-time and part-time
- nannies
- full-time, live-in sitters

These employees are entitled to Ontario's hourly minimum wage. (As of the work week in which October 1, 1987 occurs, this is \$4.55 an hour, and \$3.70 for students under 18.)

There is no longer a daily, weekly or monthly minimum wage. Only the hourly minimum wage applies.

Room And Board

The following values apply when room and board are included in calculating the minimum wage:

- the maximum value of a room is \$21 per week if the room is private, and \$10.50 per week if it is shared
- the value of meals is \$1.75 per meal, to a maximum of \$36 per week

These values may not be applied unless the room is occupied and the meals are received.

Overtime Pay

Who is covered:

- all full-time domestics, living in or out
- nannies
- full-time, live-in sitters

These employees must be paid one and one-half times their regular hourly rate of pay for each hour worked beyond 44 hours a week. Or, if they agree, they may be given paid time off for overtime work at the rate of one and one-half hours off for each overtime hour worked. This time off is to be taken at agreed times during the next 12 weeks.

Free Periods For Live-in Employees

Who is covered:

- full-time domestics
- nannies
- full-time sitters

These live-in employees are entitled to two free periods each week — one of 36 consecutive hours, and one of 12 consecutive hours. The two periods may be combined so as to give 48 consecutive hours off.

If employees agree to work during a free period, they are entitled to:

- paid time off, at the rate of one and one-half hours off for each hour worked during a free period (any time off must be added to another free period within the next four weeks), or
- extra pay, at the rate of one and one-half times the regular hourly rate of pay for each hour worked during a free period.

Any time worked during a weekly free period is compensated separately, at time and one-half, and is not added to weekly hours for the purpose of calculating overtime pay.

Written Particulars Of Employment

The employer must provide full-time domestics, nannies and full-time, live-in sitters with the following information, in writing:

- regular hours of work
- regular starting and finishing times
- the hourly rate of pay

Records

Like all other employers in Ontario, those who employ domestic workers of any kind must keep written records showing:

- hours worked each day
- total hours worked each week

Employers must also keep full records showing the employee's gross pay, net pay, the purpose of any deductions, and all other necessary information.

Other Benefits

Full-time domestics, nannies and full-time, live-in sitters have other basic rights under the *Employment Standards Act* of Ontario. These include:

- **Vacation With Pay.** The employee is entitled to two weeks' paid vacation each year. The pay for this vacation period must be equal to at least 4 per cent of gross earnings for the year of entitlement. (Gross earnings include the value of room and board.)

An employee who does not complete a full year of employment is entitled to vacation pay equal to at least 4 per cent of gross earnings for the period worked.
- **Public Holidays.** After three months of employment, an employee is entitled to a paid public holiday if the individual has earned wages on at least 12 days during the four weeks preceding the holiday. The public holidays are: New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Christmas Day.

Where a public holiday falls on an employee's working day the employer may, with the agreement of the employee, substitute another working day with pay. This substitute day off must be granted not later than the employee's next annual vacation.

If a substitute arrangement is not made, and the employee works on a public holiday, the employee must be paid at least time and one-half the regular rate for the hours worked, in addition to the regular day's pay for that holiday.

If a public holiday falls on an employee's day off, or during an employee's annual vacation, that employee is entitled to another working day off with pay in place of the missed holiday. Or, if the employee agrees, compensation may take the form of an extra day's pay.

- **Other Protections.** All domestic workers, including live-out sitters and companions for aged, infirm or ill members of the household, continue to be covered by provisions of the *Employment Standards Act* dealing with collection of wages, equal pay, equal benefits, pregnancy leave, and notice of employment termination.

Note: Provisions dealing with the minimum wage, overtime pay, weekly free periods, written job particulars, vacation with pay, and paid holidays do not apply to the following:

- companions for aged, infirm or ill members of the household
- part-time, live-in domestics
- part-time, live-out domestics (except for the minimum wage)
- part-time sitters, living in or out
- full-time, live-out sitters

Note

Anyone who employs a
full-time domestic is required,
under Ontario law,
to register as an employer
with the Workers' Compensation Board.

This can be done by contacting
the Revenue Branch,
Workers' Compensation Board,
2 Bloor Street East,
Toronto, Ontario
M4W 3C3.

Telephone: (416) 927-3925

District Offices Ontario Ministry of Labour

Hamilton
8th Floor,
Ontario Government Building
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L8N 3Z9
(416) 521-7736

Kenora
2nd Floor,
808 Robertson Street
P9N 1X9
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Kingsion
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K7L 1H3
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Kitchener
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824 King Street West
N2G 1G1
(519) 744-8101

London
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205 Oxford Street East
N6A 5G6
(519) 439-3231

Ottawa
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2197 Riverside Drive
K1H 7X3
(613) 523-7530

St. Catharines
1st Floor,
205 King Street
L2R 3J5
(416) 682-7261

Sault Ste. Marie
3rd Floor,
390 Bay Street
P6A 1X2
(705) 949-3331

Sudbury
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Thunder Bay
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P7E 6E3
(807) 475-1691

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M1P 2R7
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400 University Avenue
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(416) 965-5251

Toll-free:*

1-800-268-9001 To call from area code 416
1-800-387-2965 To call from all other area codes

*Toll-free long distance: If you live in the local calling area call the number listed. If you are outside the local area and within the area code call the number listed under 1-800.

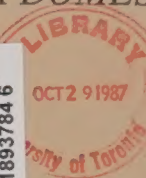


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IF YOU ARE
A DOMESTIC WORKER



or

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THIS INFORMATION
CONCERNS YOU!